

## **Remarks**

In the present response, claims 1, 3-7, 9-16, and 18-23 are presented for examination.

### **Claim Objections**

Claim 12 is objected to as depending from canceled claim 17. This objection is cured since claim 12 is amended to depend from claim 7

### **Claim Rejections: 35 USC § 102(b)**

Claims 1-7, 13-16, 19, and 20 are rejected under 35 USC § 102(b) as being anticipated by USPN 6,301,061 (Lin). These rejections are traversed.

Claims 1-7, 13-16, 19, and 20 recite elements not taught in Lin. Some examples are provided below for the independent claims.

As one example, independent claims 1 and 16 recite a focal point shifter interposed between a surface of a scanner and a target surface of a medium. Independent claim 7 recites means for shifting a focal point of a scanner, the means interposed between a scanner surface and a target surface located on a medium. The examiner argues that these elements are taught in Lin. Applicants respectfully disagree.

As shown in Figs. 3A and 3B, Lin teaches a reflector 2, two lenses t1 and t2, a primary lens 3, and a sensing element located beneath a surface of a platen 1. These figures show and Lin explicitly teaches that the lenses t1 and t2 are located between reflector 2 and primary lens 3: "at least two lenses t1 and t2 of different widths are arranged between the reflector 2 and primary lens 3" (see Lin at column 3, lines 3-5).

The Examiner equates the lenses t1 and t2 with the claimed "focal point shifter" and argues that Lin teaches the elements of the claims. This argument is not correct because the lenses t1 and t2 are not "interposed between a surface of a scanner and a target surface of a medium" as recited in claims 1 and 16. These lenses also are not "interposed between a scanner surface and a target surface located on a medium" as recited in claim 7. Instead, lenses t1 and t2, the primary lens 3, and the sensing element are all located beneath the surface of a platen and beneath the target surface of the medium.

In order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

For at least these reasons, the claims are not anticipated by Lin.

### **CONCLUSION**

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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